

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Walter F. Buchl,

Plaintiff,

v.

Michael J. Astrue, Commissioner
of Social Security Administration,

Defendant.

Civil No. 06-cv-3108 (ADM/JJG)

ORDER

The above-entitled matter came before the Court upon the Report and Recommendation of the United States Magistrate Judge. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all the files, records and proceedings herein, **IT IS HEREBY ORDERED THAT:**

- A. Plaintiff's amended motion for summary judgment (Doc. No. 30) is **DENIED** in that he sought only an award of disability benefits.
- B. Defendant's motion for summary judgment (Doc. No. 32) is **DENIED**.
- C. This case is **REMANDED** to the Commissioner for further proceedings consistent with this Order.
- D. Judgment is entered in accordance with the holding in *Shalala v. Schaefer*, 509 U.S. 292 (1993).

Dated: August 15, 2008

s/Ann D. Montgomery

ANN D. MONTGOMERY
Judge, United States District Court